

*image*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of: IKUNOSHIN KATO

Appln. No. 09/937,375

Date Filed: September 24, 2001

For: GENE THERAPEUTICS



Art Unit: 1635

Examiner: J. E. ANGELL

Washington, D.C.

Atty.'s Docket: KATO=18

Date: March 15, 2004

**Confirmation No. 8012**

Honorable Commissioner for Patents,  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop Non-Fee Amendment  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

Sir:

Transmitted herewith is a ☒ **RESPONSE TO RESTRICTION REQUIREMENT** the above-identified application.

☐ Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted

☐ Applicant claims small entity status. See 37 C.F.R. §1.27.

☒ No fee is required.

The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)		(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR		PRESENT EXTRA EQUALS
TOTAL	* 143	MINUS	** 143		
INDEP.	* 4	MINUS	*** 6		
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 9	\$
x 43	\$
+ 145	\$
ADDITIONAL FEE TOTAL	
	\$

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x 18	\$
x 86	\$
+ 290	\$
TOTAL	
	\$

OR

OR

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

☒ Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

☐ It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

**Small Entity**

**Response Filed Within**

☐ First - \$ 55.00

☐ Second - \$ 210.00

☐ Third - \$ 475.00

☐ Fourth - \$ 740.00

**Month After Time Period Set**

**Other Than Small Entity**

**Response Filed Within**

☐ First - \$ 110.00

☐ Second - \$ 420.00

☐ Third - \$ 950.00

☐ Fourth - \$ 1480.00

**Month After Time Period Set**

☐ Less fees (\$ ) already paid for \_\_\_ month(s) extension of time on \_\_\_\_\_.

☐ Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ \_\_\_\_\_.

☒ The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

**BROWDY AND NEIMARK**

Attorneys for Applicant(s)

By:   
Ronni S. Jillions  
Registration No. 31,979

Facsimile: (202) 737-3528

Telephone: (202) 628-5197



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

ATTY.'S DOCKET: KATO=18

In re Application of:	)	Art Unit: 1635
	)	
IKUNOSHIN KATO	)	Examiner: J. E. ANGELL
	)	
Appln. No.: 09/937,375	)	Washington, D.C.
	)	
Filed: September 24, 2001	)	Confirmation No. 8012
	)	
For: GENE THERAPEUTICS	)	March 15, 2004
	)	

**RESPONSE TO RESTRICTION REQUIREMENT**

Customer Window, Mail Stop **Non-Fee Amendment**  
Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

Sir:

In response to the Restriction Requirement mailed on February 17, 2004, Applicant elects the following:

Group: Group II (claims 8-13, 40 and 42-45, drawn to a composition that contains two functional substances, one that has affinity for virus and another that has an affinity specific for a target cell);

Sub-group: Sub-group 2 (claim 10, drawn to heparin-II-binding domain of fibronectin); Sub-group G (claim 11, drawn to cells); and Sub-group a (claims 12 and 13, drawn to a vascular endothelial cell);

Species: (viii) cancer cells; (i) an enzyme; and (i) retrovirus vector;

Claims readable on the elected species: claims 8-13, 40 and 42-45.

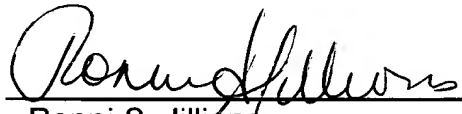
Appln. No. 09/937,375  
Amd. dated March 15, 2004  
Reply to Office Action of February 17, 2004

Favorable consideration on the merits is respectfully requested.

If the Examiner has any questions he is invited to contact the undersigned at 202-628-5197.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant

By   
Ronni S. Jillions  
Registration No. 31,979

RSJ:ft  
Telephone No.: (202) 628-5197  
Facsimile No.: (202) 737-3528  
G:\BN\A\Aoyb\Kato18\PTO\11Mar04RestResp.doc